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CITY-COUNTY GENERAL ORDINANCE NO. 67, 1993
Proposal No. 188, 1993

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 93-AO-1

A GENERAL ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, which ordinance includes the Central Business Districts Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the Central Business Districts Zoning Ordinance for Marion County, Indiana, 64-AO-1, has been amended but has not been revised substantially in twenty-five years; and,

WHEREAS, in the time period since the original adoption of the Central Business District Zoning Ordinance for Marion County, Indiana, development patterns and consumer preferences within the downtown area have changed, with these changes not being reflected in the Central Business Districts Zoning Ordinance; and,

WHEREAS, the Regulatory Study Commission, after careful analysis, has recommended to the MDC and the City-County Council that residential live-work space within commercial areas and buildings is appropriate within certain portions of the Central Business District, specifically the CBD-2 and CBD-3 Districts; and,

WHEREAS, neighborhood and development groups have also encouraged residential live-work space, as well as a broader range of residential options within the Central Business District Two and Central Business District Three classifications; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Central Business Districts Zoning Ordinance of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Numbers 64-AO-1 and 81-AO-4, as amended, pursuant to IC-36-7-4, be amended by deleting the stricken-through language and inserting the underlined language as follows:

Sec. 2.01. Central Business District One (CBD-1) regulations.

A. Permitted CBD-1 uses. The following uses shall be permitted uses in the Central Business District One CBD-1 District. All uses in the Central Business District One shall conform to the CBD-1 Development Standards (section 2.01, B hereof) and CBD-2 Performance Standards (section 2.01, C hereof) regulations of Section 2.00, the CBD-1 Development Standards of Section 2.01, B and the CBD-1 Performance Standards of Section 2.01, C.

The following uses shall be permitted in the CBD-1 District:

10. Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.
- ~~18. SIGNS, (as primary or accessory uses), as regulated in section 2.04.~~
- ~~19~~18. Drive-in services (not including goods and food) shall be permitted in the CBD-1 District by special exceptions only upon issuance of a special exception permit therefor by the metropolitan board of zoning appeals as set forth in section 2.05. (Drive-in establishments offering goods or food to customers waiting in cars shall not be permitted.)

B. CBD-1 development standards.

5. Signs: Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Sec. 2.02. Central Business District Two regulations.

- A. Permitted CBD-2 uses. The following uses shall be permitted uses in the Central Business District Two CBD-2 District. All uses in the Central Business District Two shall conform to the CBD-2 Development Standards (section 2.02, B hereof) and CBD-2 Performance Standards (section 2.02, C hereof) regulations of Section 2.00, the CBD-2 Development Standards of Section 2.02, B and the CBD-2 Performance Standards of Section 2.02, C.

The following uses shall be permitted in the CBD-2 District:

- ~~1. RETAIL SALES AND SERVICE ESTABLISHMENTS.~~
- ~~2. BUSINESS, PROFESSIONAL AND CONSUMER SERVICE OFFICES.~~
- ~~3. APARTMENT HOTELS, HOTELS, MOTOR HOTELS.~~
- ~~4. APARTMENTS.~~
- ~~5. TRANSPORTATION FACILITIES and accessory facilities therefore including but not limited to waiting rooms, loading docks, storage and associated commercial uses.~~
- ~~6. BANKS, SAVINGS AND LOAN OFFICES.~~
- ~~7. THEATRES, AUDITORIUMS AND AMUSEMENT FACILITIES.~~
- ~~8. PUBLIC UTILITIES.~~
- ~~9. PRINTING ESTABLISHMENTS.~~
- ~~10. SALES OF BEVERAGES, FLOWERS AND FOOD FROM CARTS ON SIDEWALKS AND PUBLIC AREAS.~~
- ~~11. SALES OF BEVERAGES, FLOWERS AND FOOD FROM A PORTION OF THE SIDEWALK ABUTTING THE SAME BUSINESS PREMISES.~~
- ~~12. WHOLESALING AND WAREHOUSING ESTABLISHMENTS.~~

- ~~13. PROCESSING, REPAIRING, OR MANUFACTURING GOODS BY RETAILERS AND WHOLESALEERS, provided:~~
- ~~a. the net floor area occupied by said processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and,~~
- ~~b. in no case shall more than fifty (5) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.~~
- ~~(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)~~
- ~~14. PUBLIC AND SEMIPUBLIC STRUCTURE, PARKS AND OPEN SPACE.~~
- ~~15. OFF STREET PARKING GARAGES AND LOTS.~~
- ~~16. ACCESSORY OFF STREET PARKING WITHIN BUILDINGS.~~
- ~~17. SIGNS, (as primary or accessory uses), as regulated in section 2.04)~~
1. Attached multifamily dwellings, as defined in Sec. 2.06.
2. Banks, savings and loan offices.
3. Business, professional and consumer service offices.
4. Dwelling unit(s), as defined in Sec. 2.06.
5. Hotel, motel.
6. Off-street parking garages and lots.
7. Off-street parking (accessory) within buildings.
8. Outdoor retail sales of beverages, flowers and food from cart on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17, of the Code of Indianapolis and Marion County, Indiana.
9. Printing establishments.
10. Processing, repairing, or manufacturing goods by retailers and wholesalers, provided:
- a. the net floor area occupied by said processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and,
- b. in no case shall more than fifty (50) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)

11. Public and semipublic structure, parks and open space.
12. Public utilities.
13. Retail sales and service establishments.
14. Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises.
15. Theatres, auditoriums and amusement facilities.
16. Transportation facilities and accessory facilities therefore including but not limited to waiting rooms, loading docks, storage and associated commercial uses.
17. Wholesaling and warehousing establishments.

B. CBD-2 development standards.

~~d. RETAIL SALES FROM CARTS ON SIDEWALKS AND PUBLIC AREAS~~

- ~~(1) Retail sales of beverages, flowers and food may be carried out from a cart on sidewalks and public areas provided:~~
- ~~(a) The cart is a wheeled device, not propelled by a motor, no larger than six (6) feet in length, three (3) feet in width and five (5) feet in height and constructed so an operator may not stand on or in the device.~~
 - ~~(b) Permission is secured from the appropriate governmental units to use the right of way and public areas.~~
 - ~~(c) The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator are approved by the Administrator of the Division of Planning and Zoning.~~

5. Signs: Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Sec. 2.03. Central Business District Three (CBD-3) regulations.

- A. Permitted CBD-3 uses. The following uses shall be permitted uses in the Central Business District Three CBD-3 District. All uses in the Central Business District Two shall conform to the CBD-3 Development Standards (section 2.03, B hereof) and CBD-3 Performance Standards (section 2.03, C hereof) regulations of Section 2.00, the CBD-3 Development Standards of Section 2.03, B and the CBD-3 Performance Standards of Section 2.03, C.

The following uses shall be permitted in the CBD-3 District:

- ~~1. BUSINESS, PROFESSIONAL AND CONSUMER SERVICE OFFICES.~~
- ~~2. PUBLIC UTILITIES.~~

- ~~3. PRINTING ESTABLISHMENTS.~~
- ~~4. BANKS, SAVINGS AND LOAN OFFICES.~~
- ~~5. APARTMENTS.~~
- ~~6. APARTMENT HOTELS, HOTELS, MOTOR HOTELS.~~
- ~~7. OFFICES, SALES AND DISPLAY ROOMS for wholesalers, distributors, warehousemen, manufacturers' agents, including stock, accessory storage, and/or warehouse space, provided:~~
 - ~~a. said accessory stock, stock and warehouse space does not exceed twenty five (25) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise, and,~~
 - ~~b. in no case shall more than twenty five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.~~

~~(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)~~
- ~~8. RETAIL SALES AND SERVICE ESTABLISHMENTS primary for the convenience of residents or employees of this district, provided:~~
 - ~~a. such establishments (except for sales of beverages, flowers and food from carts) shall be located within buildings principally used for office, apartment, hotel or off street parking uses, and~~
 - ~~b. such establishments shall include any of the following or similar uses of a like nature or character:~~

barber shop	florist
beauty shop	book store
shoe repair shop	stationery store
cleaners and laundry outlet	bank, savings and loan office
drug store	ticket office
laundromat	jewelry store
grocery store	men's and women's wear
delicatessen	bar, cabaret, night club
restaurant	newsstand
gift shop	sales of beverages, flowers and food from carts

9. ~~OFF STREET PARKING GARAGE, PARKING LOTS, AND ACCESSORY OFF STREET PARKING WITHIN BUILDINGS, subject to the regulations of section 2.03, B-3.~~

10. ~~PUBLIC AND SEMIPUBLIC STRUCTURES, PARKS, AND OPEN SPACE.~~

11. ~~SIGNS, (as primary or accessory uses), as regulated in section 2.04.~~

1. Attached multifamily dwellings, as defined in Sec.2.06.

2. Banks, savings and loan offices.

3. Business, professional and consumer service offices.

4. Dwelling units, as defined in Sec. 2.06.

5. Hotels, motels.

6. Off-street parking garage, parking lots, and accessory off-street parking within buildings, subject to the regulations of Sec. 2.03, B 3.

7. Offices, sales and display rooms for wholesalers, distributors, warehousemen, manufacturers' agents, including stock, accessory storage, or warehouse space, provided:

a. said accessory stock, stock and warehouse space does not exceed twenty-five (25) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and,

b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)

8. Outdoor retail sales of beverages, flowers and food from cart on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.

9. Printing establishments.

10. Public utilities.

11. Retail sales and service establishments primary for the convenience of residents or employees of this district, provided:

a. such establishments (except for sales of beverages, flowers and food from carts) shall be located within buildings principally used for office, apartment, hotel or off-street parking uses, and

b. such establishments shall include any of the following or similar uses of a like nature or character:

<u>bank, savings and loan office</u>	<u>jewelry store</u>
<u>bar, cabaret, night club</u>	<u>laundromat</u>
<u>barber shop</u>	<u>men's and women's wear</u>
<u>beauty shop</u>	<u>newsstand</u>
<u>book store</u>	<u>restaurant</u>
<u>cleaners and laundry outlet</u>	<u>sales of beverages, flowers</u>
<u>delicatessen</u>	<u>and food from carts</u>
<u>drug store</u>	<u>shoe repair shop</u>
<u>florist</u>	<u>stationery store</u>
<u>gift shop</u>	<u>ticket office</u>
<u>grocery store</u>	

12. Public and semipublic structures, parks, and open space.

B. CBD-3 development standards.

~~e. Retail sales of beverages, flowers and food may be carried out from a cart (a wheeled device, not propelled by a motor, not larger (exclusive of canopy) than six (6) feet in length, three (3) feet in width and five (5) feet in height, constructed so an operator may not stand on or in the device) on sidewalks and public areas, if permission is secured from the appropriate governmental units to use the right of way and public areas. The color and design of the cart (including signs, trash receptacles and umbrellas) and the uniform of the operator must be approved by the Administrator of the Division of Planning and Zoning.~~

5. Signs: Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Sec. 2.04. Reserved Central Business District sign regulations.

~~Amended by 71 AO 4 SIGN REGULATIONS of Marion County, Indiana.~~

Sec. 206. Definitions.

The following definitions shall be applied for purposes of this ordinance:

1. Alley: A public way, the right-of-way of which is less than thirty-five (35) feet in width.
2. Attached multi-family dwellings: A building or buildings for residential purposes with three or more dwelling units, having common or party wall or walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).
3. Dwelling unit: One or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.
4. Family: One or more human beings related by blood, marriage, adoption, or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.
25. Lot: Any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or parcel of land or site which is occupied, or intended for occupancy, by one (1) principal use.
36. Net floor area: The sum of the gross horizontal areas of the one or several floors and basements of the building or portions thereof devoted to permitted uses, not including, however, floor area devoted primarily to storage purposes; floor area devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or floor area used for toilets, rest rooms, utilities, lounges, elevator shafts, main corridors and stairwells, or cafeterias for the use of employees only. Provided, however, for the purposes of determining off-street loading requirements, net floor area shall include floor area devoted primarily to storage purposes, but shall otherwise be defined as above.

47. ~~Signs: For sign definitions, see section 2.04, C, defining:~~

~~Sign
Advertising sign
Business sign
Incidental sign
Sign surface
Facing
Sign structure
Projecting sign~~

Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

58. *Sky exposure plane:* An imaginary sloping surface, consisting of three (3) types, rising over designated lots in the CBD-1 and CBD-2 [Districts], as specified in sections 2.01, B, 2, and 2.02, B, 2, for purposes of limiting height of buildings, signs and other structures:

(1) Sky Exposure Plane One:

- a. On each street in the CBD-1 [District] designated in section 2.01, B, 2, b, (1) (excepting Monument Circle), and in the CBD-2 [District] designated in section 2.02, B, 2, b, (1), the Sky Exposure Plane One shall have a base which is coincident with the center line of each said street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of seventy-eight (78) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of three hundred (300) feet above the base; and
- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and
- f. Extends to a vertical elevation, above the base, equal to infinity.

(2) Sky Exposure Plane Two:

- a. On all streets in the CBD-2 [District] (excepting those streets specifically designated in section 2.02, B, 2, (1), the Sky Exposure Plane Two shall have a base which is coincident with the center line of each said street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty (60) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of two hundred (200) feet above the base; and
- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and

- f. Extends to a vertical elevation, above the base, equal to infinity.

(3) Sky Exposure Plane Three:

- a. In the case of all lots abutting Monument Circle, in the CBD-1 [District], as designated in section 2.01, B, 2, b, (1), the Sky Exposure Plane Three shall have a base which is coincident with the center line of the street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty-seven and one-half ($67\frac{1}{2}$) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of one hundred eight (108) feet above the base; and
- e. Then continues at an angle of seventy-four (74) degrees measured from the horizontal; and
- f. Extends to a vertical elevation of one hundred fifty (150) feet above the base; and
- g. Then continues horizontally at an angle of zero (0) degrees measured from the horizontal; and
- h. Extends to the alleys known as Wabash, Scioto, Bird and Court streets.

69. Street: A public way, the right-of-way of which is at least thirty-five (35) feet in width.

710. Total adjusted net floor area:

(1) For determining required off-street loading:

- a. To determine total adjusted net floor area:
 - i. Total the net floor area devoted to each use within the building;
 - ii. Multiply the total net floor area for each use by the loading floor area factor for such use, as specified in b below;
 - iii. Add the results of 2 above;this is the total adjusted net floor area.
- b. Loading floor area factors:
 - i. Retail sales and services-2.0;
 - ii. Business, professional and consumer service, motels and motor hotels-1.0;
 - iii. Manufacturing and wholesale (exclusive of office, sales and display area)-2.5;
 - iv. Residential and apartment hotels-0.5.

(2) For determining required off-street parking:

- a. To determine total adjusted net floor area:

- this is the total adjusted net floor area.

- i. Retail sales and services-2.0;
- ii. Residential and apartment hotels-1.0;
- iii. Manufacturing-3.0;
- iv. Hotels and motor hotels-3.0;
- v. Business, professional and consumer service, and wholesale-1.0.

§11. *Public Area:* Land owned or controlled by a governmental unit for public use, including but not limited to sidewalks, plazas and parks.

SECTION 2. If any section provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance than can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this 7th day of June, 1993
at 8:19 p.m.

Barry D. Kysner
Clerk of the City-County Council

Burt Lewis
President

STATE OF INDIANA, MARION COUNTY)
) SS:
CITY OF INDIANAPOLIS)

I, BEVERLY S. RIPPY, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 188, 1993, a Proposal for a GENERAL ORDINANCE, passed by the City-County Council on the 7th day of June, 1993, by a vote of 27 YEAS and 0 NAYS, and was retitled General Ordinance No. 67, 1993, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 9 day of June, 1993.

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Clerk of the City-County Council

(SEAL)